

REMARKS

The present application contains claims 1-47 and 50-64. Claims 9-19, 22-31 and 61-64 have been allowed. Claims 5-8, 32-39, 42-47, 55, 56 and 60 have been indicated as being allowable if rewritten in independent to include all of the limitations of their base claim and any intervening claims. Claims 1-3, 20, 40, 41, 50 and 51 have been amended. Claims 48 and 49 have been canceled without prejudice to Applicant to expedite the prosecution of the present application.

Responsive to the Examiner's request, Applicants wish to advise that claims 1-4 and 52-56 are the invention of Marvin Ornstein and that all remaining claims 5-47, 50, 51 and 57-64 are the invention of both joint inventors. The invention of claims 1-4 and 52-56 was made December 15, 1994 and the invention of claims 5-47, 50, 51, and 57-64 was made July 12, 1995.

Claims 1-4, 52-54 and 57-59 have been rejected under the judicially doctrine of obviousness-type double patenting as unpatentable over claim 41 of U. S. Patent No., 5,570,885. Responsive thereto, Applicant has submitted a Terminal Disclaimer, signed by the registered attorney of record. For these reasons, it is submitted that rejection of claims 1-4, 52-54 and 57-59 should be withdrawn. A check in the amount of \$55.00 to cover the Terminal Disclaimer accompanies this Amendment.

Claims 20, 21, 40, 41 and 48-51 have been rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed as regards claims 20, 21, 40, 41 and 49-51.

Claims 20, 21, 40, 41 50 and 51 have been amended to cure the informalities pointed out by the Examiner. Claims 48 and 49 have been canceled without prejudice to Applicant in order to expedite the prosecution of the present application.

Claims 1-4 have been rejected under 35 U.S.C. §102(e) as anticipated by Green. This rejection is respectfully traversed.

The Examiner states that Green discloses a blackjack game having a consecutive win side bet area 40, and to participate in the side bet, a player must place a PRESS chip on area 40, Green reciting that "once the player achieves a **desired** number of consecutive wins, the player may then stop his PRESS bet and receive the designed payout amount times the amount of his PRESS bet, and further that Green recites that there is a limit to the number of consecutive wins the player desires, which is limited by the gaming establishment (the Examiner making reference to column 10, lines 35-41 of Green), the player then selecting the number of consecutive wins from within a predetermined range of numbers. The Examiner further states that Green recites "each time a player wins his first player's position hand in the regular game, the dealer will take the first

PRESS chip from that player's group and place the PRESS chip on top of the PRESS bet that has been made by the player, and as long as the player continues to win his first player position consecutive hands in the regular game, his PRESS chip count will continue to increase (the Examiner making reference to column 10, lines 29-35). Thus, the Examiner states, the player's stack of PRESS chips is a display of the payoff amount according to the number of consecutive wins selected by the player, and the amount of the wager initially made by the player, the stack having PRESS chips equal to the number of consecutive wins selected by the player, providing a winning indication of when the player wins the side bet, and the payoff amount is the amount of the PRESS bet times the total number of PRESS chips in the stack, which is broadly based on pre-programmed payoff odds which correspond to different values of prospective consecutive wins, and if a player loses a hand, the house removes the stack of PRESS chips terminating the payoff.

It should be noted that a PRESS bet according to Green is a bet which is made prior to each play of a hand, and further according to Green, the PRESS bet **may be removed at any time** after the play of a hand and before the play of the next hand, so long as the player having the PRESS bet has not lost the hand prior to the hand that he does not wish to participate in with a PRESS bet. In the Green method, the player is **not** required to select the number of consecutive wins, since the player may

remove his PRESS bet at any time, so long as the players has not lost a PRESS before the player desires to remove the PRESS bet.

The method as recited in claims 1-4 includes wagering a side bet chip and selecting a number of consecutive wins **before** the start of play following the making of the side bet. Once the wager has been made, it is **not** possible to remove the bet and the player must continue this wager until either the number of consecutive wins selected is achieved by the player or until the player loses a game prior to reaching the selected number of consecutive wins.

In addition to the above, in accordance with the method set forth in claims 1-4 of the present application, once the number of consecutive wins is reached, that side bet terminates and a new side bet must be made, if the player so chooses to participate in a consecutive wins side bet.

To the contrary, Green permits a player to continue his PRESS bet even after a number of consecutive wins is reached. Green also requires that the player must win his first position hand to win a PRESS bet, which means that a player playing two or more hands **cannot** have a PRESS bet on the second position hand (etc, if the player is playing more than two (2) hands).

It can thus be seen that the present invention clearly distinguishes and patentably distinguishes over Green.

Claim 1, as amended, recites the player making the wager of step (b) further selecting a number of consecutive wins

when making the side bet and selecting a number of consecutive wins from within a permitted range of numbers before starting play of a game, and providing a winning indication only when the player making the side bet wager wins a consecutive number of games played which is equal to the number of consecutive wins originally selected at step (c).

Claim 2 has been amended in a fashion similar to claim 1 so as to recite similar limitations.

Claims 3 and 4 depend from claim 2 and carry all of its limitations, and hence are deemed to patentably distinguish over claim 2 for the same reasons as set forth hereinabove with regard to claim 2.

Claim 3 further recites determining the payoff based upon pre-programmed payoff odds which correspond to different numbers of consecutive wins.

Claim 4 further recites terminating the payoff display and removing the wager made in step (a) in the event that the player making such wager loses a game prior to achieving the selected number of consecutive wins. These features are neither taught nor remotely suggested by Green.

In addition to the above, claims 1 and 2 and claims 3 and 4 depend therefrom, both recite presenting a display of a payoff amount according to the number of consecutive wins selected and the amount of wager made and based on pre-programmed

payoff odds. Green fails to teach or even remotely suggest these novel limitations.

In view of the foregoing, it is submitted that claims 1-4 patentably distinguish over Green and reconsideration and allowance of these claims are earnestly solicited. In addition, it can be seen that applicant's response to the request for invention dates, that claims 1-4 were invented prior to Green and hence green is not prior art to these claims and should be withdrawn as a reference.

It is submitted that claims 5-8, which depend from claim 2, now depend from an allowable claim and the need to rewrite these claims have been avoided.

In view of the fact that claim 20 has been amended to cure the informalities pointed out by the Examiner, it is submitted that claim 20 and claim 21, which depends therefrom are now allowable.

In view of the fact that claims 40 and 41 have been amended, it is submitted that these claims are now in allowable form.

As was pointed out hereinabove, claims 48 and 49 have been canceled without prejudice to Applicant in order to expedite the prosecution of the present application.

It is submitted that claims 50 and 51 now depend from an allowable claim and hence are allowable.

In view of the fact that claims 32-39 all depend from claim 1, which is now submitted to be an allowable claim, it is submitted that claims 32-39 are allowable.

In view of the fact that claims 42-47 all depend from either claim 1 or claim 2, and in view of the fact that claims 1 and 2 are now deemed to be allowable, it is submitted that claims 42-47 are now allowable.

In view of the fact that claims 52 and 54 are allowable, it is submitted that claims 55, 56 and 60 which depend from claim 52 or depend from a claim which depends from claim 52 are now allowable.

In view of the foregoing, it is submitted that claims 1-8, 20, 21, 32-47, 50-60 are allowable, and reconsideration and allowance of these claims together with allowed claims 9-19, 22-31 and 61-64, are earnestly solicited.

In view of the foregoing, reconsideration and early allowance of this application are respectfully requested.


If, however, the Examiner is of the opinion that such favorable action cannot now be taken, it is requested that he telephone Applicant's undersigned attorney in order that any outstanding issue may be resolved without the necessity of a further Office Action.

If there are any additional fees due in connection with this response or any credits due, the Examiner is authorized to either charge or credit our Deposit Account No. 23-0815.

Respectfully submitted,

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By



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